



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT To Protect the Historic and Scenic Roadways, Parkways and Boulevards of Massachusetts

Chapter 92 of the General Laws as appearing in the 2004 official edition is hereby amended by adding at the end of section 35 the following:

No alteration in physical configuration, change in operation, grant of easement, sale, transfer or agreement which would affect the design intent or historic character of any parkway, park road, roadway, boulevard or bridge under the jurisdiction of the department of conservation and recreation shall be permitted, including but not limited to lighting, traffic signals, relocation of access, widening, paving, grading, or construction of berms or curbs until the department adopts preservation treatment guidelines. The prohibitions in this section shall not apply to routine maintenance or repair of a parkway, park road, roadway, boulevard or bridge. The following projects approved in their entirety prior to enactment of this section shall be exempted from this section: new or relocated curb cuts, construction of utilities, infrastructure repair and replacement, projects directly related to public safety, and fully permitted or funded capital projects. The prohibitions in this section shall not apply to such access as required by law.

The commissioner shall seek and consider public input in the development of the preservation treatment guidelines, and shall make draft guidelines available for a public

review and comment period through notice in the Environmental Monitor. Within thirty days of the adoption of said guidelines, as amended from time to time, the commissioner shall file a copy of said guidelines with the parkways oversight committee, the stewardship council and the joint committee on environment, natural resources and agriculture.

The parkways oversight committee shall be established to advise the department and the stewardship council on the interpretation and implementation of the guidelines. The committee shall consist of 1 representative of each of the following agencies: the department of conservation and recreation, the Massachusetts Historical Commission and the Massachusetts Highway Department. The Commissioner shall request each of the boards of trustees or directors of the Massachusetts Audubon Society, the Massachusetts Chapter of the Sierra Club, Friends of the Middlesex Fells, the Charles River Conservancy, Connecticut Valley Summit, the Charles River Watershed Association, the Espalande Association, the Mystic River Watershed Association and Environmental League of Massachusetts to nominate 2 candidates. Of those nominees, the commissioner shall appoint 4 members to serve on the committee, provided 2 members shall reside within the division of urban parks and recreation and 2 members shall reside within the division of state parks and recreation. The commissioner shall appoint 2 members with due consideration to geographic distribution and qualifications in advising on the needs of the community, treatment and management of the parkways or bridges as scenic, cultural, historic and recreational resources and transportation corridors, and shall solicit nominees through an open process.

The committee shall meet at least quarterly. The department shall provide the committee with a list of parkways projects no later than 60 days before the commencement of said projects and shall meet with the committee periodically to review those projects that the committee determines are inconsistent with the guidelines. Projects with lead times of less than 60 days will be afforded an expedited review process by the committee in order to ensure the projects are commenced on schedule. The committee shall send periodic reports to the stewardship council, but no less than annually.

Section 2.

The department of conservation and recreation shall adopt preservation treatment guidelines within 180 days of the effective date of this section.